

REMARKS

Section 102(a) rejection of Claims 3, 8 and 10 in light of Matsumoto, et al.

The Office points to Example 1 of the reference and column 4, lines 66 to column 5, line 5. In particular noting that the reference teaches the inhibitory effect on bacterial growth of EDTA. It must be noted that the reference teaches solutions that require further components, especially an iodine-complex polymer (see column 4, lines 24- 48). Also see claim 1 of the reference that claims a method requiring iodine, as are claims 7, 8 and 9).

The reference does not teach that solution can be made without iodine that might be useful as ophthalmic or contact lens solutions. Indeed all of the examples in Example 1 have iodine concentrations between 10 and 60 ppm.

The amended claims 1-3 each require an absence of iodine or iodophar to distinguish them from the references and since applicant never disclosed or relied upon iodine or iodophor this exclusion is reasonable and would be understood by one skilled in the art after reading the specification.

Section 103 (a) rejection of Claims 1, 2, 4-7 9, 11, 12, and 36 in light of Matsumoto, et al.

Again, for the reasons stated above the Office's rejection is not complete because it does not explain what evidence there was that Matsumoto taught that the ethoxylated glyceride compounds had utility without the use of iodine based preservatives. Furthermore, Matsumoto clearly teaches that the polyoxyethylene hydrogenated castor oils are distinguishable for any functional reasons from the other non-ionic surface active agents disclosed other than the fact one type was used in the examples (although no evidence was provided that the specific non-ionic surfactant provided any functional advantage). There is no claim in the reference directed to the specific non-ionic surface active agent.

Without some teaching that ethoxylated glyceride compounds are useful without iodine based disinfectants, the other limitations in claims only provide further distinctions from the cited reference.

Section 103 (a) rejection of Claim 13 in light of Matsumoto, et al. and Inoue

Again, for the reasons stated above the Office's rejection is not complete because it does not explain what evidence there was that Matsumoto taught that the ethoxylated glyceride compounds had utility without the use of iodine based preservatives. Furthermore, Matsumoto clearly teaches that the polyoxyethylene hydrogenated castor oils are distinguishable for any functional reasons from the other non-ionic surface active agents disclosed other than the fact one type was used in the examples (although no evidence was provided that the specific non-ionic surfactant provided any functional advantage). There is no claim in the reference directed to the specific non-ionic surface active agent.

The specific buffer agent provides increased wettability and improved preservative efficacy that is not taught by Inoue.

Summary

The examiner's close attention to the case is sincerely appreciated. However, as amended the claims are patentably distinguishable from the cited references. Reconsideration of the amended claims and allowance thereof is respectfully requested.

App. No. 09/706,338
Amdt. Dated August 5, 2003
Reply to Office Action of March 5, 2003

Respectfully submitted,

Dated: August 5, 2003

A handwritten signature in black ink, appearing to read 'C. Blank', written over a horizontal line.

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